

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GREENWICH CAPITAL FINANCIAL PRODUCTS,  
INC.,

Case No.: 07-CV-6523 (PKC)

Plaintiff,

ECF Case

-against-

KAY-CO INVESTMENTS, INC. (D/B/A PRO30  
FUNDING),

Defendant.

-----x

**AFFIDAVIT OF SCOTT E. ECKAS IN SUPPORT OF PLAINTIFF'S REQUEST FOR  
ENTRY OF DEFAULT BY THE CLERK OF THE COURT**

STATE OF NEW YORK      )  
                              ) ss.:  
COUNTY OF NEW YORK     )

Scott E. Eckas, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am a partner of the firm of McKee Nelson LLP, attorneys for plaintiff Greenwich Capital Financial Products, Inc. ("Greenwich") in the above-captioned action. I am familiar with the facts and circumstances set forth below.

2. I make this affidavit pursuant to Rule 55.1 of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of default against defendant Kay-Co Investments, Inc. ("Kay-Co") pursuant to Federal Rule of Civil Procedure 55(a).

3. Kay-Co being a corporation, is not an infant, in the military, or an incompetent person.

4. This action was commenced on July 19, 2007 by the filing of the Summons and Complaint.

5. Pursuant to § 311 of the New York Civil Procedure Law and Rules, a copy of the Summons and Complaint was properly served on Kay-Co on July 20, 2007 by personal service on Gerry Morando, intake clerk at National Registered Agents, Inc., which is Kay-Co's registered agent. Attached hereto as Exhibit 1 is a true and correct copy of the Affidavit of Service, which was filed with the Court on July 23, 2007.

6. Pursuant to Fed. R. Civ. P. 12(a), Kay-Co was required to plead or otherwise defend the claims asserted in the Complaint within twenty (20) days of service, by August 9, 2007.

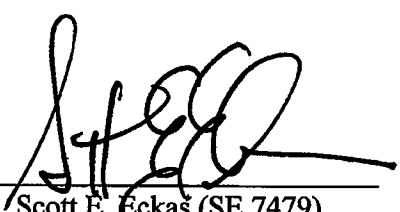
7. Kay-Co has not answered the Complaint and the time for Kay-Co to answer the Complaint has expired.

WHEREFORE, Greenwich respectfully requests that the Clerk of the Court note the default of Kay-Co upon the record.

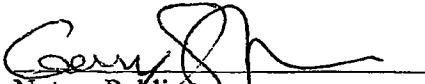
Dated: New York, New York

Aug. 29, 2007

By:

  
Scott E. Eckas (SE 7479)

Sworn to before me this 29<sup>th</sup>  
day of August, 2007.

  
Notary Public  
GARY STRUM  
Notary Public, State of New York  
No. 01ST6115216  
Qualified in New York County  
Commission Expires September 7, 2008

# **EXHIBIT 1**

**United States District Court  
Southern District of New York**

**Greenwich Capital Financial Products Inc**

| Case No.: 07CV6523

**Plaintiff**

Y.

Kay-Co Investments Inc (D/B/A PRO30 Funding)

**Defendant**

**AFFIDAVIT OF SERVICE**

That I, Jack Johnson, hereby solemnly affirms under the penalties of perjury and upon personal knowledge that the contents of the foregoing document are true and do affirm I am a competent person over 18 years of age and not a party to this action.

That I served: Kay-Co Investments Inc (D/B/A PRO30 Funding) with the following list of documents: Summons, Complaint, Rule 7.1 Statement by then and there personally delivering a true and correct copy of the documents into the hands of and leaving with Gerry Morando Title/relationship: ASST SEC./INTAKE CLERK

That on 7/20/07 at 11:50 AM at the address of NATIONAL REGISTERED MAIL service was made by;  
875 AVE. OF THE AMERICAS, SUITE 501

Personal Service: By personally delivering the documents to the person being served. *New York, N.Y. 10001*

Substitute Service: By leaving the documents at the dwelling house or usual place of abode of the person being served with a member of the household who stated they resided herein and was of suitable age and discretion, and was explained the general nature of the documents.

Corporate, Registered Agent or Legal Representative Service: By leaving with an officer, director or a person who stated they had authority to accept service of process for the above listed person or entity.

By affixing a true copy of each to the door of said premises, which is recipient's actual place of abode.

Description: Skin: Sex: Age: Height: Weight: Hair: Glasses:

**Military Service.** Deponent asked the person spoken to whether the recipient was presently in military service of the United States or of the State in which they reside and was informed that the recipient was not.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

Jack Johnson Process license 7/20/07  
Due Process #1181702 Executed on:  
P.O. Box 2396  
Columbia, MD 21045  
(800) 228-0484

Subscribed and sworn to before me, a Notary Public, on the 20 day of July, 2007.

07-2264

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